



PHYSICIAN ASSISTANT COMMITTEE

MEDICAL BOARD OF CALIFORNIA

1424 Howe Avenue, Suite 35, Sacramento, CA 95825-3237

Telephone: (916) 561-8780 FAX: (916) 263-2671

CALIFORNIA RELAY SERVICE BY TDD: 1-800-735-2929

E-mail: pacommittee@medbd.ca.govWebsite: www.physicianassistant.ca.gov**Citation Order**

Name: Brockman, Joe
Address: 1250 Natoma Way #C
Oceanside, CA 92057

License Number: PA-15378

Citation Number: 02-06
Case Number: 1E-05-166073

Richard L. Wallinder, Jr., issues this citation solely in his official capacity as Executive Officer of the Physician Assistant Committee, hereinafter referred to as the "Committee."

License History:

The records of the Committee show that license number PA-15378 was issued to **Joe B. Brockman** on June 1, 2000 and will expire on April 30, 2006.

Citation:

A citation is hereby issued to you in accordance with Title 16 California Code of Regulations, Section 1399.570 for the violations described below.

Cause for Violation:

Violation of Title 16, Division 13.8 California Code of Regulations sections:

1399.540, limitations on medical services (i.e. competent performance of medical services).

1399.541, medical services performable.

This case was initiated based on an 801 Report of Settlement, Judgment, Or Arbitration received by the Medical Board of California. The report alleges an excessive dosage of Fentanyl resulting in death of the patient.

The records indicate R.Z arrived at Tri-City Medical Center on May 14, 2004 at approximately 11:31 p.m. for treatment of severe back pain. Prior to arrival, R.Z., the patient's primary doctor, Dr. Tan, called the ER and advised Dr. Gene Ma that the patient needed to have his pain controlled and be discharged with a 100 mcg Fentanyl patch.

R.Z. was prescribed Dilaudid and Phenergan intravenously for immediate pain control. R.Z. responded to the initial therapy, which diminished his pain. Upon discharge, a 100 mcg Fentanyl patch was placed on R.Z.'s skin for continuous pain control. The patient was discharged. The patient's wife called the paramedics on May 16, 2004 because R.Z. would not wake up. The patient was resuscitated and taken to Tri-City Medical Center at approximately 11:30 a.m. The patient experienced complications and remained in the hospital for approximately 43 days. The patient expired June 29, 2004 from complications as a result of being without oxygen for a prolonged period of time that resulted in brain damage.

A Physician Assistant Expert Consultant reviewed the documentation and medical records. The consultant indicated that Fentanyl patches are used to control chronic pain and take approximately 36 hours to reach its maximum concentration. R.Z. was found not to be breathing and without a pulse approximately 30 hours after the patch had been applied. The concentration of Fentanyl was still rising and even the rapid removal of the patch will not immediately stop the effects of the drug.

The expert concluded that you departed from the standard of practice and failed to provide the patient medical care that met the minimum standards because you lacked knowledge of the Fentanyl patch that you prescribed for R.Z. You stated that you "never prescribed a Fentanyl patch before". The expert indicated that you should have reviewed the literature or consulted a reference before prescribing the 100 mcg Fentanyl patch, especially at that dosage. The responsibility falls upon the person who actually prescribes the drug to have the knowledge necessary to safely prescribe the drug.

The expert also noted that the Emergency Room note dictated by you for R.Z.'s initial visit was time stamped 1241 pm on 5/16/04, approximately 1 hour after R.Z. returned to the emergency room. The standard of care is that all emergency room notes be dictated at the end of a provider's shift and before leaving the facility for the day.

Order of Abatement

The Committee orders you to take the following corrective actions:

1. Certify in writing that you have available for inspection, by us or our agent, if requested:

(a) written protocols adopted by the supervising physician(s) that comply with the requirements of PA regulation section 1399.545(e)(3), and that also comply with section 3502.1 of PA Law if you use written drug orders.

(b) written transport and back-up procedures for the immediate care of patients who are in need of emergency care beyond the physician assistants scope of practice for such times when a supervising physician is not on the premises (ref. Section 1399.545 (d)).

2. Enrollment, at your own expense, one CME Category I course of at least 2 units, in pharmacology relating to pain management medications. The course shall be completed within one calendar year of the date of issuance of this citation. Course completion must be confirmed in writing within 455 calendar days of issuance of this citation.

Unless contesting the citation, failure to abate the violation charged within sixty (60) days of date of your receipt of this document may be deemed to constitute a violation of the Physician Assistant Regulations. Failure to comply may result in disciplinary action being taken by the Committee or other appropriate judicial relief being taken against you.

Fine

You are assessed a fine in the amount of \$1000.00 as provided by Title 16 California Code of Regulations Section 1399.571 for violations of Sections of 1399.540 and 1399.541 of the California Code of Regulations.

Unless you contest this fine, payment in full by cashier's check or money order must be received by the Committee within thirty calendar days of the Citation's issuance. Payment should be made payable to:

Physician Assistant Committee
1424 Howe Avenue, Suite 35
Sacramento, CA 95825
Attn: Dianne Tincher

For your protection, please remember to include the Citation number on your check or money order.

Payment of any fine shall not constitute an admission of the violation(s) charged.

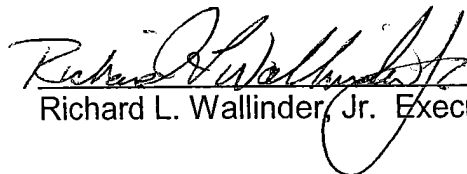
If you fail to pay the fine within thirty calendar days from the date of assessment, unless under appeal, the full amount of the fine will be added to your license renewal fee or initial license fee, whichever is applicable. The renewal or initial license will not be issued until the appropriate fee, the administrative fine, and the delinquency fee (if appropriate) are paid.

Appeal of Citation

You have the right to contest all or portions of the citation through informal conference, formal appeal, or both. If you wish to contest this citation, you must complete, sign, date, and return the enclosed Notice of Appeal form(s), or any other written notice of appeal, to the Committee within fifteen (15) calendar days after service of the citation. Should you need additional time in which to complete and return the appeal notice(s), please notify the Executive Officer of the Committee immediately at (916) 561-8786.

The day the Notice of Appeal form(s) or other written notice of appeal is received by the Committee is the day that the appeal process shall commence. However, any order of abatement stipulation(s) and/or fine(s) assessed for violations not being contested must be adhered to and/or paid as specified.

If the Citation is not appealed it becomes a final order of the Committee and shall not be subject to further administrative review or judicial relief initiated by the Committee.


Richard L. Wallinder, Jr. Executive Officer

10/24/85
Date